

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EARNEST SCOTT, Jr.,	:
Plaintiff	:
v.	: Case No. 3:22-cv-52-KAP
PENNSYLVANIA DEPARTMENT OF	:
CORRECTIONS, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff's motion to disqualify at ECF no. 55 is denied for the same reason the identical motions in plaintiff's other cases have been denied: disqualification under either Section 144 or Section 455 has to be based on something more than the fact that the judge has ruled adversely to the party seeking disqualification.

Plaintiff's latest effort to amend the complaint at ECF no. 56 is denied. I have twice before denied such motions without prejudice to filing a new complaint containing the new claims against the new defendants. Plaintiff styles his new motion as one to reconsider the last denial, in which I noted plaintiff's failure to attach the proposed amended complaint. Plaintiff asserts he had already done so by exhibit at ECF no. 31. If the proposed amended complaint at ECF no. 31 is the one plaintiff intended to propose in ECF no. 41, then I already denied it after review, *see* ECF no. 37, and I note again that denial was without prejudice to filing a new complaint.

Plaintiff's motion to propose additional discovery after the close of discovery at ECF no. 58 is denied. It looks like much of the proposed discovery is either an afterthought or is based on the assumption that plaintiff can add new defendants and claims in this action, and that is mistaken. If however, additional discovery is needed to oppose summary judgment (see the next paragraph) plaintiff can explain what specifically he needs under Fed.R.Civ.P. 56(d)(2).

The next step is summary judgment or the filing of pretrial statements. Defendants' motion at ECF no. 59 to extend the time to file summary judgment motions is granted. Motions shall be filed on or before November 3, 2023 and responded to by December 3, 2023.



DATE: September 18, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

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